



Board of Health

July 23, 2007- Minutes

1213 Purchase Street, New Bedford

5:00 P.M.

View Agenda

A public meeting of the Board of Health was held on July 23, 2007 in the Health Department conference room, 1213 Purchase Street, New Bedford.

Present: James Schweidenback, D.D.S., Acting Chair
Patricia L. Andrade, M.D., Member
Excused Absence: Barbara Silva, R.N., Chair
Also Present: Marianne De Souza, Director of Public Health; Carol Metro, Nursing Supervisor; Patrick Walsh, Assistant City Solicitor

CALL TO ORDER

1. Dr. Schweidenback called the meeting to order at 5:11 p.m. The first order of business was a motion to accept and place on file the minutes of the regular meeting held on June 18, 2007.

MOTION by Dr. Andrade to accept the minutes. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

ACTION

2. Request for a **Massage Establishment License** and Request for **Variance** (Mop Sink) - John Dos Santos, Owner; 2 Collins Lane, Dartmouth, MA; Establishment: Xtreme Tanz, Inc., 896 Hathaway Road; Mary Friere, Inspector (*No Appearance June 18, 2007*)

3. Request for a **Massage Practitioner License** (Amended App.) - Mary Kelly, 607 Crossroads Drive, Dartmouth, MA 02747; Establishment: Xtreme Tanz, Inc., 896 Hathaway Road, NB, John Dos Santos, Owner; Mary Friere, Inspector. (*Tabled April 23, 2007; No Action June 18, 2007*)

Elizabeth Silva of 2 Collins Lane, No Dartmouth, sister of John Dos Santos, informed the Board that Mr. Dos Santos would not be present as he is in Florida. Ms. Friere informed the Board that Mary Kelly (Agenda Item# 3) would not be present as there was a death in her family, however, all paperwork had been reviewed and the only thing missing was the establishment, Xtreme Tanz.

Ms. Silva stated there is a sink for therapist to wash and sanitize and there is another sink present in bathroom. Ms. Friere described the salon layout and members viewed plan documents (previously provided) and discussed the physical layout.

MOTION by Dr. Andrade to grant a mop sink variance to Xtreme Tanz, 896 Hathaway Road, NB, for the duration of the existing license for one year. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

MOTION by Dr. Andrade to grant Mary Kelly a license to practice massage at Xtreme Tanz. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

4. Request for **Massage Practitioner License** - Erin Sanford, 294 Austin Street, NB; Establishment: Relaxing Solutions, 862 Ashley Blvd., NB; Mary Friere, Inspector

Erin Marie Sanford appeared before the Board and stated she has a new address as of the beginning of the month at 376 Middle Road, Acushnet. Ms. Sanford stated she wished to practice Swedish massage at Relaxing Solutions of Ashley Boulevard, New Bedford where there are three or four practitioners. Ms. Friere clarified that one practitioner that appeared before the Board last May is on maternity leave. Ms. Sanford stated and Ms. Friere confirmed applicant has passed the State exam.

MOTION to grant Erin Sanford a Massage Practitioner License to practice at Relaxing Solutions, 862 Ashley Boulevard. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

5. Request for **Massage Practitioner License** - Lauren M. Kelley, 2374 Acushnet Avenue, NB; Establishment: The Polished Look, 865 Ashley Blvd, NB, Brenda Gomes, Owner; Mary Friere, Inspector

Lauren M. Kelley appeared before the Board and gave her address as 2374 Acushnet Avenue, New Bedford. Ms. Kelley stated she will practice Swedish, hot stone, deep tissue, ear coning and sports massage. Ms. Kelley explained "coning" to the Board, a treatment to clean earwax using a heated, muslin shaped cone. Ms. Kelley also explained the process and treatment method of "hot stones".

Dr. Andrade stated, and Ms. Friere confirmed, hot stones are not permitted under current regulations and to date no one has yet been licensed to provide this treatment. Ms. Friere stated there is an issue regarding the applicant having an International Massage Association membership which is not on the City list, and New Bedford requires a National or American. Ms. Friere stated she does not believe it is very different, but she does not have that information. Ms. Kelley claimed she is planning to take her National Boards and is saving for the application fee.

MOTION to grant Lauren Kelley a Massage Practitioner License to practice at The Polished Look at 865 Ashley Boulevard contingent on successful completion of the Massage Practitioner's Exam understanding the type of massage within the realm of this permit. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

6. Request for **Massage Practitioner License** - Amy P. Atkins, 42 Chestnut Street #2, Fairhaven; Establishment: Massage Therapy of Greater New Bedford, Debra A. Leary, Owner; 194 Rockdale Avenue, NB; Mary Friere, Inspector

The applicant stated she will be doing Swedish face massage and relaxation, renting a room from Massage Therapy of Greater NB. The applicant stated she did not realize New Bedford and Massachusetts required the certification and she has applied, awaiting a letter from them notifying her that she has a couple of months to take the exam.

MOTION to grant Amy Atkins a Massage Therapy License to practice at Massage Therapy of Greater New Bedford, 194 Rockdale Avenue, NB. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

OLD BUSINESS

7. Dr. Schweidenback stated Item 10. would be taken out of order - Temporary Massage Permit Application; Review of the Proposed Amendment to the Massage Permit Application; Mary Friere, Inspector.

- 7.a. Review of Health Policy for the Y Summer Camp Daycare – Board Review; Mary Friere, Inspector.
7.b. CORI Authorizations Follow-Up - Mary Friere, Inspector; Marianne De Souza, Director

7. Dr. Schweidenback asked Ms. Friere if she had received his correspondence. Ms. Friere stated, "He received a Cease and Desist Notice." and he has not come in to apply or responded in any manner, the Notice having been sent on June 21st. Ms. Friere stated the reason she generated the request to review massage regulations was that this particular gentleman was performing massage out at a business. This gentleman sent correspondence to Dr. Schweidenback's office spelling out his business, verifying what Ms. Friere had previously said.

Ms. De Souza informed the Board that she, Ms. Freire, Ms. Metro and Mr. Sylvia met to discuss and review the regulations and a new State law coming into effect May 1, 2008 changing jurisdiction over massage therapists which states the Board of Health will not regulate the massage licenses, the therapists coming under perhaps a State Massage Therapy Board similar to hair dressers. Discussion took place on the parameters of the pending legislation. As Ms. Freire and Board members were not in possession of the documents related to massage regulations at this time the discussion moved on to the daycare health policies.

7.a. Ms. Freire stated this information was in the packet of documents referenced above which she believed the Board members had in their possession and she did not have copies with her. Ms. Friere stated she had the Little People's College material at the last meeting, and had the "Y" the following day, which Ms. Freire stated she provided to Secretary at the Health Department. Ms. Friere stated she would get them again; it was no problem as the camps were already open. Discussion moved on to the CORI items.

7.b. Ms. De Souza stated Ms. Friere had shared concern over her viewing CORI information without having approval to review CORI. Ms. De Souza stated she did some investigation and spoke with Angela Natho, Personnel Director and Ms. Natho recommended that the assignment of authority for reviewing CORI's would be appropriate for a Unit C employee, in this case Barry Sylvia. Mr. Sylvia did have this authorization in 1998 but there have been some changes since then. Ms. De Souza stated CORI regulations have changed since 1998 and this information is on the State's website and she currently had two concerns, one being how can one check a CORI if they have not themselves been CORI'd, and secondary, unless a formal release has been assigned by the State providing access to the CORI's, there is no legal right to view them.

Ms. De Souza stated she has viewed documents from former Director Davis, noting he was in the process of getting CORI review privileges for himself and it appears he foresaw this as an emerging issue. It appears he may have been interested in not only the CORI on employees, but also related to major events in the City involving people having contact with children. Dr. Andrade stated this is one of the amendments being discussed for the Temporary Massage Permits, and Ms. Freire confirmed that for example, when Fennelli's Circus comes to town, they must now be CORI'd and they provide a CORI to the State Inspector when he visits the site.

Dr. Andrade stated Ms. De Souza should begin with the State CORI Board and find out what level they specifically authorize to do a CORI, as the City cannot usurp their authorization. The next step, Dr. Andrade stated, was to look within the department as to what person fits that definition. Ms. Freire informed the Board that an individual can obtain a copy of their own CORI and the City could require one provide a copy of their CORI for permitting purpose.

Ms. Friere reiterated that the State became involved in CORI checks for venues such as a circus due to the rides and Dr. Schweidenback questioned the practice regarding other vendors at events. Ms. Freire stated she does not believe there was a requirement; Ms. De Souza stated that might be what Mr. Davis was going after. It was noted Chic Rose, Recreation Director, does CORI checks and reviews for summer programs and camps such as Little People's and the Y.

Atty. Walsh stated this issue was brought to the Solicitor's was when the new Director applications came in; prior to that no one on the Library Board had authority to do a CORI and needed to go through the

City to get it. Dr. Andrade questioned if there was a policy at the City level; Ms. De Souza will continue to research this with the State and get answers to Dr. Andrade's questions.

8. NEXTEL Phone Update

Ms. De Souza stated that Atty. Wash had a document signed by Director Davis and Solicitor's has been asked to review and comment. Solicitor's will determine whether this document is an actual contract and if the City is responsible. Ms. De Souza also informed the Board that a collection agency has contacted the Health Department regarding payment and through a conversation with Marcia Benis of the Coalition, the Coalition is clearly not responsible for the Nextel costs, noting the account is closed and the phones have been returned.

Ms. De Souza stated the Coalition is willing to provide New Bedford with three phones at the end of August as they have additional funds. Ms. De Souza outlined remaining questions and concerns regarding benefits to the City from the Coalition, the bottom line on what is actually owed by the parties involved. Ms. De Souza stated \$800 to \$1,000 is needed to clear the bill and there are no funds in this year's budget for this, also noting the prior administration before she came on board went back one year in the billing.

Ms. De Souza stated that until this issue is resolved, New Bedford will not take the three phones. With that in mind, the phones are from the Coalition's funding to New Bedford for this year's cycle and with New Bedford waiting until the phone issue is resolved, New Bedford would have missed the funding cycle. Dr. Schweidenback asked if this issue will be cleared by the next cycle for the Coalition, August 2008, and Ms. De Souza stated she believes so. Dr. Schweidenback stated new phones must have clear usage guidelines; Ms. De Souza stated that new contracts have come through the Purchasing Agent because there has been concern with various City departments' phones.

Ms. De Souza noted that a high speed laser jet printer is being purchased with \$3,000 in reimbursement monies provided by the Coalition for the EDS drill the Health Dept. held in December.

9. Oral Health Impact Project (OHIP) – Update from Dr. Schweidenback and Marianne De Souza, Director

Dr. Schweidenback stated he does not have an update as he has yet to receive a response to his request for a written, formal inquiry from the parties. Ms. De Souza stated she spoke briefly with Dr. Pollack, is scheduled to meet with him Thursday, and will attempt to get something in writing. Dr. Schweidenback stated Dr. Pollack is no longer the District Chair but he will get the name and/or number of the current Chair for Ms. De Souza.

10. Wellness Policy for the City of New Bedford; City of Fall River Website - Update from Dr. Andrade. Copy of Media Info re: Robert Wood Johnson Foundation's Pledge of \$500 Million To Fight and Reverse Childhood Obesity.

Dr. Andrade stated she had nothing new to report. Ms. De Souza stated the Health Dept. receives periodic updates from the Foundation and we will monitor for any grants or monies for which we would qualify.

Ms. De Souza informed the Board that she was contacted by Buddy Andrade, a neighborhood activist, regarding a new initiative providing \$250,000 to New Bedford, environmental education grant "Technologies of the Future".

There are monies available relating to lead poisoning and Ms. Metro stated she is meeting on Thursday with a nurse from the Child Lead Poison Prevention Program who is scheduled to be in

New Bedford for a meeting with the GNBCHC. Ms. De Souza stated she has notified Pat Sullivan, Community Development, regarding the *Get The Lead Out Program*.

Ms. De Souza provided information on a huge cockroach problem in the North end. A document template is being created and reviewed in the Solicitor's Office to be used in the event the Board or Police Department need to intervene and gain entry to a private property. In this case, a 48-Hour Notice was issued on-site and Mr. Sylvia and Ms. Freire met with owner today. The landlord stated the property is vacant and completely empty and he has attempted to exterminate twice on his own; he will be allowed to continue to do that again. Ms. De Souza is looking at prevention and education as the cockroach issue is growing in the City. A lengthy discussion took place on the issues of extermination and the process to control with Dr. Schweidenback noting this needs to be watched closely.

11. Smoke Free Workplace – Changes to Municipal Regulations – Update, Marianne De Souza, Director

Ms. De Souza stated she has not had an opportunity to meet with Atty. Walsh but no further complaints have been filed. Ms. De Souza stated there is a "Sale To Minor" violation going to Court on August 9 with Atty. Walsh, and a Court date for the taxicabs issue on August 26 with Atty. Markey. There is a possibility of amending City Ordinance regarding taxi licenses for cab drivers to be consistent with State law as there are currently three taxicab violations pending.

12. EPA's PCB Caution Notice: Fish, Shellfish and Lobsters – Request for Stacy of EPA to speak to staff of Health Department – Marianne De Souza, Director

Ms. De Souza stated Stacy is available on August 17th, a Friday morning. Dr. Schweidenback said he was available. Ms. De Souza spoke of concern on digging of quahogs and a communication from Scott Alphonse. These fines and enforcement fall under the Environmental Police, noting people are fishing at various locations on the New Bedford waterfront and signs need to be posted with the enforcement party clarified. Ms. De Souza noted EPA monitors via walking the areas opposed to using boats.

13. Keith Middle School and NBHS Staff and Neighborhood Health Assessment Survey, (Where it will be done, who will conduct survey, who will be included) – Follow-Up with Suzanne Condon, Associate Commissioner/Director, MA DPH Center For Environmental Health; Marianne De Souza, Director

14. Re: New Bedford High School - PCB Remedial Waste On-Site Clean Up Notification from Scott Alphonse to EPA, and; Approval for PCB Cleanup and Disposal from EPA to Scott Alphonse

Ms. De Souza stated Mr. Alphonse could not be present this evening and he provided a brief description of the status. Ms. De Souza read the statement into record as follows:

"The City awarded a contract to Indoor Air Technologies (IAT) of Victor, NY to clean the heating, ventilation and air conditioning system, selected horizontal surfaces, and areas underneath approximately 4,000 lockers at New Bedford High School. IAT will secure areas to be cleaned, create negative pressure in active cleaning areas to ensure dust is not discharged outside of active work areas in the school, and adhere to the contract specifications. IAT commenced work on July 9, 2007 in green house of the high school, and has been making steady progress. Cleaning work has been completed in green house and gold house. TRC, the City's environmental consultant, is on site to monitor dust levels outside of active work areas to ensure that IAT is complying with the requirements of the contract. TRC has collected confirmatory samples by wiping, with a solvent wipe, areas inside the ductwork already cleaned (commonly referred to as "wipe samples"). Preliminary results indicate that PCBs were not detected in the confirmatory wipe samples collected to date. TRC will continue to perform dust monitoring and collect confirmatory wipe samples as work continues. The monitoring is being done in accordance with a plan reviewed and approved by the US Environmental Protection Agency.

All student programs have been moved to Keith Middle School, except for the elementary school summer swimming and basketball programs and weight training, which are held in the gym and pool. The gym and pool are the area of the school referred to as E Block, and are sufficiently removed from active work areas. They do not share the same HVAC system, and are accessible from the outside of the school, so those areas won't be affected by the vent cleaning work in other areas of the school. Summer programs end on Aug. 3, after which the E-Block will be cleaned. Weight training will need to be cancelled during this period.

Clerical and custodial staff is present in the building during cleaning, but not in active work areas. Representatives of the school department, TRC and the City met with all staff in the school during cleaning. The purpose of the meeting was to explain the project, the importance of staying out of active cleaning areas, and to answer any questions staff may have.

The project commenced later than anticipated due to a bidder protesting to the Massachusetts Office of the Attorney General the City's award of the contract to IAT. Although the project commenced later than anticipated, IAT expects to complete the vent cleaning project prior to the start of the school year. The outcome of the bid protest and its potential affect (if any) on the project are not yet known.

The City is currently reviewing a scope of work for additional soil sampling on the NBHS property in connection with the ongoing assessment and cleanup proposed for outside of the school.

Please accept my apology for not being available to attend the meeting today and let me know if you have any questions or need additional information. Thanks.”

Scott Alphonse
Environmental Steward

Ms. De Souza stated she has attempted to reach Suzanne Condon from DPH who was not available today, but she did speak with Jan Sullivan, Ms. Condon's immediate supervisor, who requested a copy of the report be sent to her. They are looking into getting funds and hoping to do the survey and testing before the end of August. Discussion took place on the survey, who will do it and how it will be done.

CORRESPONDENCE

15. Communication: Re: The Tattoo Room, 858B Kempton Street - Response from Ronald A. Durgin, Commissioner, Department of Inspectional Services, to the Board of Health's Request for Information

MOTION by Dr. Andrade to accept and place on file. SECONDED: Dr. Schweidenback. All in favor. MOTION CARRIES.

16. Communication: To City Clerk from Doris Foster re: Submission of Minutes of the Board of Health

Dr. Andrade questioned why the minutes had been not signed and Ms. De Souza explained former Director Gecewicz elected not to sign the minutes. Ms. De Souza informed the Board that in the future Ms. De Souza will sign as the Director and the Transcriber will sign as such.

17. Ordinance Amendments: Copies of Two (2) Ordinance Amendments referencing Board Members and Regulations.

- Removal of Board Members, etc. - Absenteeism
- Promulgation of Regulations by Boards, etc.

Ms. De Souza informed the Board that the City Council Appointments & Briefing Committee has the ordinances under review and a final vote will be taken. Discussion took place on the second noted ordinance and implications.

18. Board of Health Attendance Record, January-June, 2007, from Doris Foster, Secretary

19. Copy of Documents received from Solicitor's Office – Agenda and Documents of the June 19, 2007 meeting: City of Boston Improvement Commission-Sidewalk Cafes

Ms. De Souza informed the Board that Attorney Schall called a meeting with department heads involved with permitting to discuss concerns they may have with allowing sidewalk cafes. Under discussion is whether the City will adopt policies similar to other cities with a consideration that cafes do not impede the public walkways. Atty. Walsh elaborated stating Licensing Board regulations do not prohibit serving food and liquor outdoors, however, there are other considerations such as room on walkways for pedestrians and the newer BYOB establishments.

Ms. De Souza stated there is a desire to put major developers on a faster track in terms of permitting and some department heads have met with these developers. Ms. De Souza also spoke on drainage issues at new developments and the responsibilities of interested parties regarding maintenance. David Kennedy is in the process of drafting suggestions for a draft letter that would serve as a recommendation from, and position of, the Board on the matter.

OTHER

20. Residency Form – Request for Signatures of Board Members

Information was provided and is now complete.

21. Board of Health Members Exchange

– Ms. De Souza stated the Coalition in the area is doing hurricane planning drill and a tabletop exercise is being planned.

– Ms. De Souza is preparing information for presentation to the Board that will look at where Inspectional Services/Health Department Agents are placed. Ms. De Souza stated she is uncomfortable with her name being stamped on lead determination forms that she never sees and there is opportunity to share her concerns with the Administration and open a discussion on restructuring.

– Ms. De Souza briefed the Board on the toothpaste recall/removal and stated Mr. Sylvia has been in contact with Ms. De Souza regarding counterfeit toothpaste product being found on shelves in New Bedford stores.

– Ms. Metro informed Board of a call she received regarding undersize turtles reported being sold at the Whaling City Festival which was reported to Inspectional Services. The booth was shut down as they had other banned products.

– Ms. De Souza has spoken with Rob of MIS regarding the Healthy City website such as Fall River's, noting Ms. Thomas had copied the FR site and sent the information to Rob. Ms. De Souza and the Health Dept. Secretary have an appointment to meet with MIS on Wednesday. Information has been provided to MIS for the Health Dept. link, however the City website is currently under construction and renovation.

– Ms. De Souza has spoken with C.O.A.S.T. and has asked them about being on the steering committee as well as being part of a group, under direction of Dr. Peter Lee working on a healthy initiative for the State which includes restructuring ideas for the City in order to promote healthy lifestyles.

– Ms. De Souza is looking into additional office help at no charge through the Senior Service Corps of America, a Federal Labor Dept. program, and an interview is scheduled with an applicant tomorrow. Ms. De Souza is seeking to fill three positions. Hopes are the TBC Director position will be advertised shortly as the State did approve the budget and awaiting final approval of Angela Natho and Peter Schmidt.

– Ms. De Souza met with the Special Populations Task Force to address dealing with the population in event of an emergency.

– Ms. Metro informed the Board that in the process of updating emergency planning, agencies are being called to confirm contact numbers and email addresses. Fact sheets from the State on viruses, rabies, and other health issues are being distributed via these email addresses. Ms. Metro will send attachments to Dr. Andrade for ticks and Lyme disease.

– Dr. Andrade asked if there would be a possibility of sharing a Health Educator with Dartmouth and Fairhaven. Ms. Metro said she was hoping one could possibly be obtained through Coalition funding.

– Ms. De Souza stated the new Commissioner is increasing funding for Tobacco Control statewide.

– Ms. De Souza stated she is attempting to get a new computer for the Lab through Coalition monies, noting it is the practice of the Coalition that members vote on all issues and actions.

– Ms. De Souza informed the Board her new desk has arrived but she has not yet moved into the Director's office; she will do so the beginning of next week.

NEXT SCHEDULED MEETING

22. The Board agreed to hold its next meeting on **Monday, August 13, 2007 at 5:00 p.m.**

It is noted that Atty. Walsh must leave the August 13th meeting at 6:45 p.m. as he has a Licensing Board meeting to attend.

MOTION by Dr. Andrade to adjourn the meeting. **SECONDED:** Dr. Schweidenback. All in favor. **MOTION CARRIES.**

Meeting was adjourned at 7:47 p.m.

A true record attest:

Transcriber

Director of Public Health